

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FALCON INDUSTRIES, INC.,

Plaintiff,

v.

CIV No. 12-679 JCH/GBW

COMBAT OPTICAL, INC. *et al*,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL**

This matter is before the Court on Plaintiff's Motion for Unresponded Requests to Be Deemed Admitted or Responses Compelled and for Altered Discovery Limitations. *Doc. 89*. The Court held a hearing on the motion on June 4, 2014. *Doc. 126*.

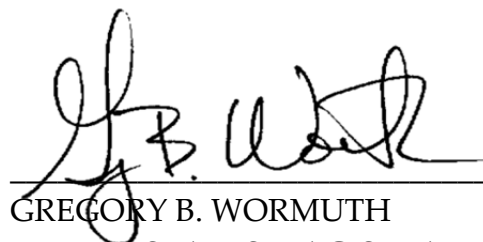
On December 27, 2013, Plaintiff served 113 Requests for Admission on Defendant Haldo and 40 Requests for Admission on Defendant GRG. *Doc. 89* at 3. Defendants did not respond within 30 days of service as required under Federal Rule of Civil Procedure 36(a)(3), nor did either Defendant move for an extension. On April 15, 2014, Plaintiffs filed the instant motion, requesting that the Court deem the Requests for Admissions admitted or, in the alternative, compel Defendants to respond. *Doc. 89*. Defendants did not respond to the Motion, timely or otherwise. Such constitutes consent to grant the motion under the Local Rules. D.N.M.LR-Civ. 7.1(b) ("The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so

constitutes consent to grant the motion.”). For the foregoing reasons, the Court hereby GRANTS Plaintiff’s Motion to Compel.

At the June 4, 2014 hearing, the Court inquired whether Plaintiff wished to have the Requests for Admissions deemed admitted or to have answers compelled. Plaintiff expressed its preferences, and Defendants, through counsel, did not object.

IT IS HEREBY ORDERED that Defendant GRG respond to Request for Admission 2 by June 18, 2014. The remaining Requests for Admission promulgated to Defendant GRG pursuant to *doc. 75* are hereby deemed admitted pursuant to FED. R. CIV. P. 36.

IT IS HEREBY ORDERED that Defendant Haldo respond to Request for Admission 1-5, 11, 13, 15, 16, 17, 21, 25, 26, and 27 by June 18, 2014. The remaining Requests for Admission promulgated to Defendant Haldo pursuant to *doc. 75* are hereby deemed admitted pursuant to FED. R. CIV. P. 36.

  
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GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE